

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

STEPHEN GREGORY FONTENOT, JR.,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

5:23-CV-05054-CBK

ORDER

Petitioner was convicted of attempted sexual exploitation of a minor, attempted enticement of a minor using the internet, and attempted receipt of child pornography, 5:21-cr-50137-KES. He was sentenced on February 6, 2023, by now retired U.S. District Judge Jeffrey L. Viken to concurrent sentences of 210 months, 120 months (mandatory minimum), and 60 months (mandatory minimum). Petitioner appealed his convictions and sentences to the United States Court of Appeals for the Eighth Circuit, 23-1278. Prior to filing an appellate brief, petitioner moved to dismiss his appeal “due to counsel and Appellant determining that there are not non-frivolous issues to be urged on appeal.” The motion was granted. Petitioner has filed a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. I denied the motion and denied a certificate of appealability. Petitioner filed a notice of appeal and a motion to proceed on appeal *in forma pauperis* without the prepayment of the filing fee.

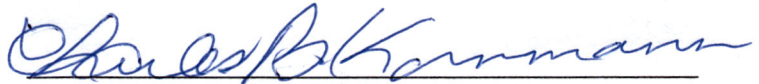
Petitioner has made the showing required by 28 U.S.C. § 1915(a) that he is unable to pay the appellate filing fee. However, pursuant to 28 U.S.C. 1915(a)(3), “an appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” I made that finding when I denied a certificate of appealability and so find again.

Now, therefore,

IT IS ORDERED that the motion, Doc. 7, to proceed on appeal *in forma pauperis* is denied.

DATED this 12th day of May, 2025.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Charles B. Kornmann", is written over a horizontal line.

CHARLES B. KORNMANN
United States District Judge